

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

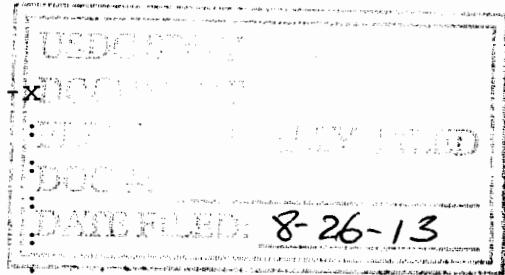
Plaintiff,

-v-

COUNTRYWIDE FINANCIAL CORPORATION; : 12 Civ. 1422 (JSR)
COUNTRYWIDE HOME LOANS, INC.; :
COUNTRYWIDE BANK, FSB; BANK OF :
AMERICA CORPORATION; BANK OF : ORDER
AMERICA, NA.; and REBECCA MAIRONE, :
:

Defendants. :
-----x

JED S. RAKOFF, U.S.D.J.



Pending before the Court is the Government's application to amend certain of its expert reports to "reflect that the High Speed Swim Lane . . . ended on May 21, 2008." While the Court is cognizant of the fact that an amendment of the Government's reports so close to trial will cause defendants to expend additional time and resources on an expedited basis, the Court notes that the Government has represented that no amendment will change the methodology used by any of their experts, and has committed to furnish the amended reports to the defendants by tomorrow, i.e., August, 23, 2013. The Court further notes that the Government's description of defendants' reticence to identify "HSSL" loans largely accords with its own recollection of earlier discovery disputes in this case. Partly as a result, the Government was not able to depose a 30(b) (6) witness to

question defendants about the end date of the "HSSL" process until after its original expert reports were submitted. The Court is satisfied, therefore, that any prejudice to the defendants is partly a function of their own delays and, in any case, the effect of the amendments in ensuring that the trial of this matter is properly focused outweighs any such prejudice.

The Court therefore grants the Government's application. If, after receiving the Government's amended reports by not later than midnight tomorrow, the defendants wish to amend their own experts' reports to respond to the Government's amendments, they may file their amended reports at any time up through September 23, i.e., one full month later (and the first day of trial).

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, NY
August 22, 2013